



THE PDMP IN MISSOURI

House Bills 90 & 68(Rehder)

April 5, 2017

Background

What is the PDMP?

- Prescription Drug Monitoring Plans (PDMPs) are statewide electronic databases that track prescriptions and dispensations of certain controlled substances.
- The proliferation of PDMPs began in the 1980s in response to increasing prescription drug abuse nationwide. Their popularity further increased in the early 2000s as the opioid epidemic began crossing geographic and demographic lines.

PDMP History in Missouri.

- Missouri is currently the only state without a statewide PDMP.
- Several municipalities and counties in Missouri have established their own, locally-run PDMPs.
- After several years of failed attempts to establish a statewide PDMP, the Missouri General Assembly now seems on course to enact [House Bills 90 & 68\(Rehder\)](#) after a leading opposition figure, [Senator Rob Schaaf\(R-Buchanan\)](#) announced his intention to allow the bill to move forward.

The Current Proposal

What's in the bill?

- [House Bill 90 & 68\(Rehder\)](#) covers Schedule II, III, and IV prescription drugs. It requires all dispensers of those drugs to track and submit information about the individual patient, the prescriber, and the prescription to the statewide database within 24 hours of the dispensation.
- Dispensers who violate the requirements are subject to a \$1,000 administrative penalty for each infraction.
- The DHSS is required to notify the appropriate law enforcement agency or professional licensing authority if it has reasonable cause to believe that violation of law or professional standards has occurred.

Preemption

-HBs 90 & 68(Rehder) does not specifically preempt the establishment or continuation of local PDMPs.

Mandatory Participation for Prescribers

-The bill does not currently include a requirement that prescribers check the database themselves before prescribing. However, as a condition for his allowing the bill to pass, Sen. Schaaf has asked that such a requirement for prescribers be included.

Real-time Transmission

-During the House floor debate, HBs 90 & 68 was amended to require the phase-in of a real-time electronic access system for dispensers beginning in 2019.

Privacy Provisions

-Under the current proposal, patient information contained in the database will not be subject to disclosure under general public information requests.
-Those who knowingly violate the privacy protections of the bill are guilty of a Class E felony.
-Individual patient information within the database may be accessed by: prescribers and dispensers within the U.S., patients requesting their own info, certain state licensing boards and regulatory authorities, any U.S. law enforcement agency or court with a court order or subpoena, or the MOHealthNet division for any reason.

The Next Steps

Legislative Process

-House Bills 90 & 68(Rehder) has been passed by the Missouri House and has been referred to the [Missouri Senate Transportation, Infrastructure, and Public Safety Committee.](#)
-The bill must now receive a public hearing in that committee and, with a favorable vote, will advance to the Senate floor where it is likely to be amended with a provision requiring prescribers to participate.
-After passing the Senate, the two versions of the bill will be reconciled by either a request for the House to recede from its position and agree to the Senate version or by a conference committee.
-Once passed by both chambers in identical form, the bill will be presented to Governor Greitens for his signature. The estimated timeline for final passage of the bill currently sits in early May.

Implementation Timeline

-In its current form, the bill will go into effect on August 28, 2017, subject to the promulgation of rules and procedures by the DHSS.
-A phase-in of a real-time transmission system for participants will begin in 2019.